

Application Serial No. 10/619, 293
Response to November 2, 2004 Office Action

REMARKS

The examiner rejected original claims 1-4, 6-18 and 20-25 as being anticipated by U.S. 5,287,434 to Bain et al. (the '434 reference). The examiner also rejected claims 5 and 19 as being unpatentable over the '434 reference in view of U.S. 6,763,382 to Balakrishnan et al. (the '382 reference).

Claims 1 and 13 have been amended to further clarify certain aspects of the patentability distinct features of the invention. Claim 11 and 20 have been cancelled to redirect the examiner's focus and to clarify the issues raised by the examiner's Office Action. These amendments and remarks should read in a light most favorable to the applicant, and they not be construed as definitive statements or admissions that the invention itself is not patentable. To the extent that claims 1 and 13 are the only independent claims of the application, it will be understood that the amendment of these claims will serve to further clarify certain aspects of the patentability of the remaining claims in the invention.

The '434 reference contemplates a spooling system that allows an operator to send commands to a number of disparate barcode printers. While this basic concept may have seem to bear some similarity to the inventive system, the '434 system fails to teach or suggest many of the salient points identified in the application. The '434 reference neither teaches nor suggests an interactive system capable of allowing manipulation and control of the content being printed by the marking machines of the system. Nor does the reference include the possibility of incorporating vision machines in addition to or in place of the marking machines. Even the marking machines themselves are very narrowly defined as barcode printers, rather than the pin-markers, laser and other heavy-duty devices embraced by the present invention. Most significantly, the '434 reference stops well short of acting as a true integrated system control

Application Serial No. 10/619, 293
Response to November 2, 2004 Office Action

with the ability to identify and process requests: (a) to transform or manipulate encoded information by marking and vision information (either in terms of creating or reading messages in any number of encoding systems and/or in terms of utilizing a historical records system to create auditable records and/or importing or exporting selected data from a database into the system), (b) to communicate with and simultaneously allow control by user-operators and/or user-administrators of selected, disparate machines or (c) to verify the integrity of the system's operations.

In short, the '434 reference appears to be a primitive version of one type of marking machines that the present invention is intended to control. The absence of historical records databases, vision machines, the ability to read and create content in a multiplicity of marking systems, seamless control of the system by a multitude of user-operators, selectively broadcast data to those user operators over a network, the ability to generate auditable records and the ability to utilize interactive information exchanges between the system and external databases/legacy systems from the teachings of the '434 reference cannot be overlooked.

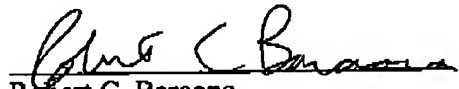
These differences between the invention and the '434 reference are now better highlighted in the amended claims. In particular, the claims now specifically demonstrate that the software system must possess separate protocols for processing and generating separate outputs based on information generation requests, machine control requests and system integrity requests. These protocols are explained in detail within the specification, and they embody and implement many of the functionalities identified in the preceding paragraph. Moreover, also as mentioned above, these protocols are neither taught nor suggested in the '434 reference, either singly or in combination with the '382 reference.

Application Serial No. 10/619, 293
Response to November 2, 2004 Office Action

Finally, the innovative simplicity of the present invention should not be underestimated. As referenced in the specification, this elegant solution was long needed by the vision and marking industry. In fact, the '434 reference was granted in 1994, yet no other references have been made of record which combine all of the functions and features embraced by amended claims 1 and 13.

In view of the foregoing remarks, the examiner is respectfully requested to reconsider and to allow the application. Should the Examiner have any questions pertaining to the above, undersigned Counsel would welcome a phone call to provide any further clarification.

Respectfully submitted,


Robert C. Baraona
Reg. No. 45,426
McDonald Hopkins Co., LPA
600 Superior Avenue, E., Suite 2100
Cleveland, OH 44114-2653
(216) 430-2045

Date: 5/2/5